



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 24, 2023

BY ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: *United States v. Bruce Silva, 22 Cr. 347 (PGG);*
 United States v. Shadell McBride, 22 Cr. 484 (PGG);
 *United States v. Bruce Silva, et al., 23 Cr. 204 (PGG)***

Dear Judge Gardephe:

The Government respectfully submits this letter to update the Court regarding the status of the above-captioned criminal cases and to request an initial conference now that the three matters have been consolidated before Your Honor.

Indictment 23 Cr. 204 (PGG) (the “RICO Indictment”) charges ten defendants with various offenses relating to the defendants’ alleged participation in the affairs of the “Dub City” criminal enterprise. Defendants Bruce Melvin, Jordan Bennett, Elijah Pough, Alzubair Saleh, Giovanni Rodriguez, and Emmanuel Perez were each arrested on April 20, 2023. Each had an initial appearance before Magistrate Judge Willis that same day, was appointed counsel, and consented to detention pending trial without prejudice to a future bail application. Pursuant to a referral from Judge Schofield (to whom the case was assigned at the time), these six defendants were arraigned at their initial appearances and entered not guilty pleas. Time under the Speedy Trial Act was excluded in the interests of justice through a control date of May 4, 2023, *see* 18 U.S.C. § 3171(h)(7), and time is independently automatically excluded due to the absence of at least one defendant as described below, *see* 18 U.S.C. §§ 3161(h)(3), (6).

Defendants Bruce Silva and Shadell McBride were already in federal custody in connection with their preexisting criminal cases in this District and have not yet been arraigned on the RICO Indictment. Defendant Gabriel Valdez is currently in New York State custody and will be transferred to federal custody pursuant to a writ of habeas corpus *ad prosequendum* later this week. Defendant Justin Ballester remains at large.

The Government respectfully requests that the Court schedule an initial conference for some time during the weeks of May 1 or May 8, at which defendants Silva, McBride, and Valdez can be arraigned and at which a schedule for the case can be discussed. The Government has

endeavored to collect availability of all counsel and will communicate that information to Your Honor's Courtroom Deputy Clerk under separate cover.

In addition, given the number of defendants in this case and the large volume of discovery materials—which will include substantial quantities of electronically stored information from cellphone and social media search warrants—several defense counsel have requested appointment of a coordinating discovery attorney. The Government agrees that such an appointment would make sense in this case and hereby relays and joins in that request.

Finally, the Government and counsel for defendants Silva and McBride have conferred regarding the upcoming trial dates in the preexisting felon-in-possession cases (May 30, 2023 as to defendant McBride in case 22 Cr. 484, and June 5, 2023 as to defendant Silva in case 22 Cr. 347). Given that the incidents underlying those charges are now RICO predicates and separately charged violent crimes in aid of racketeering in the RICO Indictment, the parties agree that separate trials on the felon-in-possession charges at this time would be an inefficient use of resources and would prevent a meaningful opportunity to engage in negotiations regarding a broader disposition of the charges after the production of discovery in the RICO case. Accordingly, the Government and defendants Silva and McBride jointly respectfully request that the upcoming trial dates in those cases be vacated in favor of a consolidated trial with the RICO Indictment in due course.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by:



Jacob R. Fiddelman
Michael R. Herman
Matthew J. King
Assistant United States Attorneys
(212) 637-1024/-2221/-2384

cc: Christopher Wright, Esq. (counsel for Bruce Silva)
Raoul Zaltzberg, Esq. (counsel for Bruce Melvin)
Michael Bradley, Esq. (counsel for Jordan Bennett)
James Roth, Esq. (counsel for Elijah Pough)
Andrew Patel, Esq. (counsel for Shadell McBride)
Joshua Horowitz, Esq. (counsel for Alzubair Saleh)
Benjamin Zeman, Esq. (counsel for Giovanni Rodriguez)
Jacqueline Cistaro, Esq. (counsel for Emmanuel Perez)